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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,016	08/25/2000	John P. Wesson	60.469-021	6134

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INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER	
TRAN, THUY VAN	
ART UNIT	PAPER NUMBER

3652

DATE MAILED: 12/10/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/648,016</b>	Applicant(s) <b>Wesson et al.</b>
	Examiner <b>Thuy V. Tran</b>	Art Unit <b>3652</b>



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1)  Responsive to communication(s) filed on \_\_\_\_\_.

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

4)  Claim(s) 1-12 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-12 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some\* c) None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation “the third portion has a second roller supporting surface that is different from the first surface”, found in claim 4, lines 3-4 and in claim 11, lines 3-4, respectively, renders the claims indefinite since it is unclear what the different between “a first roller supporting surface” and “a second roller supporting surface”. As best understood from the disclosure, the first and second roller supporting surfaces are the same, but formed from different materials. Thus, the first and second roller supporting surfaces have different frictional characteristics.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-4, and 9-11 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Sherwood 4,355,486.

Sherwood '486 discloses an elevator door assembly comprising a door frame 70, Fig. 2, a door frame support member 28, a roller 30 associated with the support member, a rail 22, and a resilient track 24 received by a supporting surface on the rail, wherein the roller is rollable along the track.

With regard to claims 3, 4, 9 and 10 (as broadly claimed), the track 22 in Figure 1 comprises three portions, a left portion, a right portion and a middle portion, wherein the left and right portions have a first roller supporting surface, and the middle portion has a second roller supporting surface.

5. Claims 1-7 and 9-12 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Spiess 5,655,626.

Spiess '626 discloses an elevator door assembly comprising a door frame 56, a door frame support 57, at least one roller 1, 50 associated with the support member, a rail 11, a resilient track 3, 45.

Re claim 2, the track 3, Figure 1, extends along the entire length of the rail 11.

Re claims 5, 6 and 12, the track 3 includes a first portion 26 and a second portion 26, Figure 2C, at the ends of the track respectively, and a third portion (middle portion) where the first and third portions are different materials.

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Re claim 7, the rail supporting surface includes a groove 42, Figure 4, and the track 45 includes a portion 47 that is removeably received within the groove.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spiess 5,655,626 or Sherwood 4,355,486.

Spiess '626 discloses that the resilient track can be formed from an elastic material.

Sherwood '486 discloses a resilient track.

It would have been an obvious matter of design choice to have formed the resilient track of either Spiess or Sherwood from one of polyurethane, a polyester elastomer, a flourelastomer, vulcanized rubber or a spray-on material, since applicant has not disclosed that having the track comprised one of polyurethane, a polyester elastomer, a flourelastomer, vulcanized rubber or a spray-on material solves any stated problem and it appears that the invention would perform equally well with any elastic materials.

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the cited references separately discloses either an elevator door assembly and/or a resilient guide track.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is (703) 308-2558.

  
DEAN J. KRAMER 12-3-01  
PRIMARY EXAMINER

TVT ( $\tau\sqrt{T}$ )

December 3, 2001